

**REMARKS**

Claims 1, 2, 13, 16, 19, 20, 22, 24-27, 34, 41, 72 and 119-123 are pending and under examination. By this amendment, applicants have amended Claim 1, 13, 19 and 22 to more particularly point out and distinctly claim the invention, and canceled Claims 24-27, 34, 35, 41, 72 and 119-123 without prejudice to applicants' right to pursue prosecution of these claims in a later-filed continuation or divisional application. The amendments to the claims are supported by the specification and claims as originally filed, and do not introduce new matter. Accordingly, entry of the amendments to the claims is respectfully requested.

**Rejection under 35 U.S.C. 102**

Claims 1-2, 13, 16, 19-20, 34-35, 72 and 119-123 were rejected under 35 U.S.C. 102(b) as anticipated by Chang, et al. (Oncogene, Vol. 14(13), pp. 1617-1622, 1997) ("Chang"). It is noted that Claim 1 has been amended to recite that the cDNA molecule consists of an ELF3 cDNA sequence and one or more of intron 4, intron 5, intron 6, intron 7 and intron 8. In view of this amendment, it is believed that this rejection is now moot. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

**Rejection under 35 U.S.C. 103**

Claim 41 was rejected under 35 U.S.C. 103 as unpatentable over Chang in view of Lowe, et al. (Nucleic Acids Research, Vol. 18, No. 7, page 1757161, 1990) ("Lowe"). It is noted that Claim 41 has been canceled hereinabove, rendering this rejection moot. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Rejection Under 35 U.S.C. 112

Claims 13, 19, 22, 24-27, 41, 72 and 119-123 were rejected under 35 U.S.C. 112, first paragraph. With respect to Claims 13, 19, and 22, these claims have been amended to clarify that the portion is a "contiguous" portion. With respect to Claims 24-27, 41, 72 and 119-123, these claims have been canceled. In view of these amendments, it is believed that this rejection is now moot. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

CONCLUSION

In view of the preceding claim amendments and remarks, applicants respectfully request withdrawal of all rejections and passage of the claims to allowance.

It is believed that no fee, other than the \$555 three month extension of time fee, is required with this response. However, if there are unanticipated fees required to maintain pendency of this application, the USPTO is authorized to withdraw the payment for those fees from Deposit Account 01-1785.

Respectfully submitted,

AMSTER, ROTHSTEIN & EBENSTEIN LLP  
Attorneys for Applicants  
90 Park Avenue  
New York, NY 10016  
(212) 336-8000

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By:   
Craig J. Arnold  
Registration No. 34,287